

REMARKS/ARGUMENTS

Claims 1-7 and 9-14 are currently pending in this case, claims 8 and 15-31 having been canceled without prejudice by this paper.

The Applicants have amended the specification to correct minor errors.

The rejection of claims 1-7 and 9-14 pursuant to 35 U.S.C. section 103 as being unpatentable over Applicants' admitted prior art in view of U.S. Patent No. 4,842,195 (Koll), the rejection of claims 1-7 and 9-14 pursuant to 35 U.S.C. section 103 as being unpatentable over U.S. Patent No. 6,151,744 (Ohtani) in view of Koll and the Applicants' traversal thereof

To reject claims 1-7 and 9-14 the Office Action relies on the Koll patent. The Koll patent appears to relate to the spraying of row crops. In contrast, the present invention "relates generally to apparatuses for cleaning thin disks, such as semiconductor substrates, glass substrates (e.g., for use in flat panel displays), compact disks, and the like." (Application, page 1, lines 9-12). The Applicants respectfully submit that a person of ordinary skill in the art seeking to solve a problem (as the Applicants of the present invention) of precisely and repeatably positioning a spray bar during semiconductor device manufacturing would not reasonably be expected or motivated to look to apparatus for spraying crop rows. For the above reasons, the Applicants respectfully submit that the Koll patent is not in the Applicants' field of endeavor (e.g., cleaning semiconductor substrates) or reasonably pertinent the problem with which the Applicants' are concerned (e.g., precisely and repeatably positioning a spray bar during semiconductor device manufacturing).

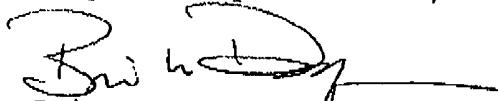
The Examiner is respectfully reminded that "[i]n order to rely on a reference as a basis for rejection of an applicant's invention, the reference must either be in the field of

applicant's endeavor or, if not, then be reasonably pertinent to the particular problem with which the inventor was concerned." *In re Oetiker*, 977 F.2d 1443, 1446, 24 USPQ2d 1443, 1445 (Fed. Cir. 1992). See also *In re Deminski*, 796 F.2d 436, 230 USPQ 313 (Fed. Cir. 1986); *In re Clay*, 966 F.2d 656, 659, 23 USPQ2d 1058, 1060-61 (Fed. Cir. 1992) ("A reference is reasonably pertinent if, even though it may be in a different field from that of the inventor's endeavor, it is one which, because of the matter with which it deals, logically would have commanded itself to an inventor's attention in considering his problem."); and *Wang Laboratories Inc. v. Toshiba Corp.*, 993 F.2d 858, 26 USPQ2d 1767 (Fed. Cir. 1993). Clearly, large, relatively imprecise crop irrigation equipment does not "logically . . . commend[] itself to an inventor's attention in considering . . . [the] problem" of precisely cleaning semiconductor wafers in a repeatable manner to minimize any differences between wafers. Therefore, pursuant to MPEP 2141.01(a) ("To Rely On A Reference Under 35 U.S.C. 103, It Must Be Analogous Prior Art"), the Koll patent is non-analogous art, and may not properly be relied upon as a basis for rejection of the Applicant's invention. Consequently, claims 1 and 9, and claims 2-7 and 10-14, which depend therefrom, are submitted as being allowable.

The Applicants believe the claims are in condition for allowance, and respectfully request reconsideration and allowance of the same. The Applicants do not believe any fees are due

regarding this Amendment. If any fees are required, however, please charge Deposit Account No. **04-1696**. The Applicants encourage the Examiner to telephone the Applicants' attorney should any issues remain.

Respectfully Submitted,



Brian M. Dugan, Esq.
Registration No. 41,720
Dugan & Dugan, PC
Attorneys for Applicants
(914) 332-9081

Dated: June 24 2004
Tarrytown, New York